

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

BRIAN SCOTT PATE

RECEIVED

PLAINTIFF, pro-se 2006 NOV 21 P 12:42

U.S.

* CASE #: 1:06-CV-500-MHT

WARDEN TERRANCE McDOWELL

DEBRA P. HACKETT, CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

ET, al

RESPONDENT

MOTION TO ALLOW PLAINTIFF TO FILE MOTION

REQUESTING COURT TO ORDER RESPONDENT

TO SUPPLY COMPLETE RECORD ON APPEAL

COMES NOW THE PLAINTIFF BRIAN SCOTT PATE, pro-se AND RESPECTFULLY
REQUEST THIS HONORABLE COURT TO GRANT PLAINTIFF LEAVE TO FILE THE
FOLLOWING MOTION.

MOTION FOR COURT TO ORDER RESPONDENT TO SUPPLY

THE COMPLETE RECORD ON APPEAL TO THIS COURT

COMES NOW THE PLAINTIFF, BRIAN SCOTT PATE, pro-se AND RESPECTFULLY
REQUEST THIS HONORABLE COURT ISSUE AN ORDER TO THE RESPONDENT TO
WITH THIS COURT'S PREVIOUS ORDERS TO SUPPLY THE COMPLETE RECORD ON
APPEAL. IN SUPPORT OF THIS MOTION PLAINTIFF STATES THE FOLLOWING:

THE RESPONDENT HAS FAILED TO SUPPLY THIS COURT WITH THE COMPLETE
RECORD ON APPEAL, PURSUANT TO THIS COURT'S ORDERS DATED

THE FOLLOWING LIST IS PART OF THE RECORD THAT IS PERTINANT TO
PLAINTIFF'S APPEAL, AND MUST BE REVIEWED BY THIS COURT WHEN TRYING TO
REACH AN OPINION IN THIS CASE.

- 1.) COPY OF THE TRANSCRIPT OF THE COLOQUY AND PLEA HEARING
- 2.) COPY OF ALL TWELVE (12) INDICTMENTS IN THIS CASE
- 3.) COPY OF THE TRANSCRIPT OF PLAINTIFF'S RULE 32 HEARING
- 4.) ANY AND ALL OTHER PAPERS, EXHIBITS, ETC. THAT PERTAIN TO THIS CASE THAT HAVE NOT YET BEEN SUPPLIED TO THIS COURT.

THE ISSUES PRESENTED TO THIS COURT FOR REVIEW, ARE DIRECTLY CONNECTED TO THE ABOVE DOCUMENTS. PLAINTIFFS CLAIMS OF THE STATES VIOLATION OF HIS 6TH AND 14TH AMENDMENT RIGHTS TO DUE PROCESS AND EQUAL PROTECTION ARE SUPPORTED BY THESE DOCUMENTS. THE FAILURE OF THE STATE TO SUPPLY THESE RECORDS AND DOCUMENTS SEVERLY PREJUDICE THE PLAINTIFF WHEN THIS COURT REVIEWS THIS CASE. IT IS NOT THE RESPONDENTS PLACE TO PICK AND CHOOSE THE DOCUMENTS TO SUPPLY TO THE APPELLATE COURTS. ALL RECORDS AND DOCUMENTS PERTAINING TO THIS CASE MUST BE SUPPLIED TO THE COURT TO GUARANTEE PLAINTIFF IS GIVEN TOTAL CONSIDERATION OF HIS ISSUES THROUGH THIS COURTS ABILITY TO REVIEW ALL THE RECORD PERTAINING TO THE ISSUES AT BAR.

WHEREFOR PLAINTIFF PRAYS THIS HONORABLE COURT GRANT THIS MOTION AND ORDER THE RESPONDENT TO SUPPLY ALL RECORDS PERTAINING TO THIS CASE TO THIS COURT.

RESPECTFULLY SUBMITTED
Brian Scott Pate
BRIAN SCOTT PATE
ON THIS THE 19TH DAY OF NOVEMBER 2006

CERTIFICATE OF SERVICE

UNDER PENALTY OF PERJURY AND PURSUANT TO 28 USC § 1746, RULE 25(d)(2)(b)

I BRIAN SCOTT PATE, DO HEREBY CERTIFY THAT I HAVE PLACED THE ORIGINAL AND ONE COPY OF THE FOREGOING IN THE INSTITUTIONAL LEGAL MAIL, WITH SUFFICIENT U.S. POSTAGE ATTACHED, TO THE CLERK OF THE UNITED STATES DISTRICT COURT, MIDDLE DISTRICT OF ALABAMA, SOUTHERN DIVISION (ORIGINAL) AND TO THE ATTORNEY GENERAL FOR THE STATE OF ALABAMA (COPY) ON THIS THE 19TH DAY OF NOVEMBER 2006.

Brian Scott Pate

ORIGINAL TO:

CLERK, UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF ALABAMA

SOUTHERN DIVISION

P.O. BOX 711

MONTGOMERY, AL 36101-0711

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